

No. 7:14-CR-00042-F-1
No. 7:16-CV-00154-F

TYAAN LAMOND JOYE,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

ORDER

This matter is before the court on Tyaan Lamond Joye's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-31]. Having examined Joye's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Joye asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and Sherri R. Alspaugh with the Office of the Federal Public Defender has entered an appearance pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015). However, it was not previously determined that Joye qualified for appointment of counsel, and he was not previously represented by the Federal Public Defender's Office.¹

SO ORDERED.

This 17th day of June, 2016.

JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE

¹ When Joye was previously before this court, he had retained counsel.